

1 AN ACT

2 relating to the creation of the Driftwood Municipal Utility  
3 District No. 1; granting a limited power of eminent domain;  
4 providing authority to issue bonds; providing authority to impose  
5 assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 7983 to read as follows:

9 CHAPTER 7983. DRIFTWOOD MUNICIPAL UTILITY DISTRICT NO. 1

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7983.001. DEFINITIONS. In this chapter:

12 (1) "Board" means the district's board of directors.

13 (2) "Commission" means the Texas Commission on  
14 Environmental Quality.

15 (3) "Director" means a board member.

16 (4) "District" means the Driftwood Municipal Utility  
17 District No. 1.

18 Sec. 7983.002. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 7983.003. CONFIRMATION AND DIRECTORS' ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 7983.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 7983.003  
3 until:

4           (1) each municipality in whose corporate limits or  
5 extraterritorial jurisdiction the district is located has  
6 consented by ordinance or resolution to the creation of the  
7 district and to the inclusion of land in the district; and

8           (2) the district and each municipality in whose  
9 corporate limits or extraterritorial jurisdiction the district is  
10 located have executed an agreement concerning the creation and  
11 operation of the district.

12       Sec. 7983.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
13 The district is created to serve a public purpose and benefit.

14       (b) The district is created to accomplish the purposes of:

15           (1) a municipal utility district as provided by  
16 general law and Section 59, Article XVI, Texas Constitution; and

17           (2) Section 52, Article III, Texas Constitution, that  
18 relate to the construction, acquisition, improvement, operation,  
19 or maintenance of macadamized, graveled, or paved roads, or  
20 improvements, including storm drainage, in aid of those roads.

21       (c) All land and other property included in the district  
22 will benefit from the improvements and services to be provided by  
23 the district under powers conferred by Sections 52 and 52-a,  
24 Article III, and Section 59, Article XVI, Texas Constitution, and  
25 other powers granted under this chapter.

26       (d) The creation of the district is in the public interest  
27 and is essential to further the public purposes of:

1           (1) developing and diversifying the economy of the  
2 state;

3           (2) eliminating unemployment and underemployment;

4           (3) developing or expanding transportation and  
5 commerce; and

6           (4) providing quality residential housing.

7       (e) The district will:

8           (1) promote the health, safety, and general welfare of  
9 residents, employers, potential employees, employees, visitors,  
10 and consumers in the district, and of the public;

11          (2) provide needed funding for the district to  
12 preserve, maintain, and enhance the economic health and vitality of  
13 the district territory as a residential community and business  
14 center; and

15          (3) promote the health, safety, welfare, and enjoyment  
16 of the public by providing pedestrian ways and by landscaping,  
17 removing graffiti from, and developing certain areas in the  
18 district, which are necessary for the restoration, preservation,  
19 and enhancement of scenic beauty.

20       (f) Pedestrian ways along or across a street, whether at  
21 grade or above or below the surface, and street lighting, street  
22 landscaping, vehicle parking, and street art objects are parts of  
23 and necessary components of a street and are considered to be an  
24 improvement project that includes a street or road improvement.

25       Sec. 7983.006. INITIAL DISTRICT TERRITORY. (a) The  
26 district is initially composed of the territory described by  
27 Section 2 of the Act enacting this chapter.

1       (b) The boundaries and field notes contained in Section 2 of  
2 the Act enacting this chapter form a closure. A mistake made in the  
3 field notes or in copying the field notes in the legislative process  
4 does not affect the district's:

5           (1) organization, existence, or validity;

6           (2) right to issue any type of bond for the purposes  
7 for which the district is created or to pay the principal of and  
8 interest on a bond;

9           (3) right to impose a tax; or

10          (4) legality or operation.

11                   SUBCHAPTER B. BOARD OF DIRECTORS

12       Sec. 7983.051. GOVERNING BODY; TERMS. (a) The district is  
13 governed by a board of five elected directors.

14       (b) Except as provided by Section 7983.052, directors serve  
15 staggered four-year terms.

16       Sec. 7983.052. TEMPORARY DIRECTORS. (a) On or after  
17 September 1, 2017, the owner or owners of a majority of the assessed  
18 value of the real property in the district may submit a petition to  
19 the commission requesting that the commission appoint as temporary  
20 directors the five persons named in the petition. The commission  
21 shall appoint as temporary directors the five persons named in the  
22 petition.

23       (b) Temporary directors serve until the earlier of:

24           (1) the date permanent directors are elected under  
25 Section 7983.003; or

26           (2) September 1, 2021.

27       (c) If permanent directors have not been elected under

1 Section 7983.003 and the terms of the temporary directors have  
2 expired, successor temporary directors shall be appointed or  
3 reappointed as provided by Subsection (d) to serve terms that  
4 expire on the earlier of:

5 (1) the date permanent directors are elected under  
6 Section 7983.003; or

7 (2) the fourth anniversary of the date of the  
8 appointment or reappointment.

9 (d) If Subsection (c) applies, the owner or owners of a  
10 majority of the assessed value of the real property in the district  
11 may submit a petition to the commission requesting that the  
12 commission appoint as successor temporary directors the five  
13 persons named in the petition. The commission shall appoint as  
14 successor temporary directors the five persons named in the  
15 petition.

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 7983.101. GENERAL POWERS AND DUTIES. The district has  
18 the powers and duties necessary to accomplish the purposes for  
19 which the district is created.

20 Sec. 7983.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
21 DUTIES. The district has the powers and duties provided by the  
22 general law of this state, including Chapters 49 and 54, Water Code,  
23 applicable to municipal utility districts created under Section 59,  
24 Article XVI, Texas Constitution.

25 Sec. 7983.103. WATER CONSERVATION FACILITIES. The district  
26 may provide for the conservation of water, including by means of the  
27 construction, operation, and maintenance of a water conservation

1 facility or water reuse project.

2 Sec. 7983.104. AUTHORITY FOR ROAD PROJECTS. Under Section  
3 52, Article III, Texas Constitution, the district may design,  
4 acquire, construct, finance, issue bonds for, improve, operate,  
5 maintain, and convey to this state, a county, or a municipality for  
6 operation and maintenance macadamized, graveled, or paved roads, or  
7 improvements, including storm drainage, in aid of those roads.

8 Sec. 7983.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
9 project must meet all applicable construction standards, zoning and  
10 subdivision requirements, and regulations of each municipality in  
11 whose corporate limits or extraterritorial jurisdiction the road  
12 project is located.

13 (b) If a road project is not located in the corporate limits  
14 or extraterritorial jurisdiction of a municipality, the road  
15 project must meet all applicable construction standards,  
16 subdivision requirements, and regulations of each county in which  
17 the road project is located.

18 (c) If the state will maintain and operate the road, the  
19 Texas Transportation Commission must approve the plans and  
20 specifications of the road project.

21 Sec. 7983.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
22 OR RESOLUTION. The district shall comply with all applicable  
23 requirements of any ordinance or resolution that is adopted under  
24 Section 54.016 or 54.0165, Water Code, and that consents to the  
25 creation of the district or to the inclusion of land in the  
26 district.

27 Sec. 7983.107. LIMITATION ON GROUNDWATER USE. In providing

1 water services to users in the district, the district may not,  
2 except in emergency situations:

3 (1) develop groundwater on land owned by the district  
4 for use as a potable water source; or

5 (2) purchase or lease the rights to groundwater  
6 underlying land inside the district for use as a potable water  
7 source.

8 Sec. 7983.108. DIVISION OF DISTRICT. (a) The district may  
9 be divided into two or more new districts only if:

10 (1) the district has no outstanding bonded debt; and

11 (2) the district is not imposing ad valorem taxes.

12 (b) This chapter applies to any new district created by the  
13 division of the district, and a new district has all the powers and  
14 duties of the district.

15 (c) Any new district created by the division of the district  
16 may not, at the time the new district is created, contain any land  
17 outside the area described by Section 2 of the Act enacting this  
18 chapter.

19 (d) The board, on its own motion or on receipt of a petition  
20 signed by the owner or owners of a majority of the assessed value of  
21 the real property in the district, may adopt an order dividing the  
22 district.

23 (e) The board may adopt an order dividing the district  
24 before or after the date the board holds an election under Section  
25 7983.003 to confirm the creation of the district.

26 (f) An order dividing the district shall:

27 (1) name each new district;

1           (2) include the metes and bounds description of the  
2 territory of each new district;

3           (3) appoint temporary directors for each new district;  
4 and

5           (4) provide for the division of assets and liabilities  
6 between or among the new districts.

7           (g) On or before the 30th day after the date of adoption of  
8 an order dividing the district, the district shall file the order  
9 with the commission and record the order in the real property  
10 records of each county in which the district is located.

11           (h) Any new district created by the division of the district  
12 shall hold a confirmation and directors' election as required by  
13 Section 7983.003.

14           (i) If the creation of the new district is confirmed, the  
15 new district shall provide the election date and results to the  
16 commission.

17           (j) Any new district created by the division of the district  
18 must hold an election as required by this chapter to obtain voter  
19 approval before the district may impose a maintenance tax or issue  
20 bonds payable wholly or partly from ad valorem taxes.

21           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

22           Sec. 7983.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
23 district may issue, without an election, bonds and other  
24 obligations secured by:

25           (1) revenue other than ad valorem taxes; or

26           (2) contract payments described by Section 7983.153.

27           (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
2 before the district may impose an ad valorem tax or issue bonds  
3 payable from ad valorem taxes.

4 (c) The district may not issue bonds payable from ad valorem  
5 taxes to finance a road project unless the issuance is approved by a  
6 vote of a two-thirds majority of the district voters voting at an  
7 election held for that purpose.

8 Sec. 7983.152. OPERATION AND MAINTENANCE TAX. (a) If  
9 authorized at an election held under Section 7983.151, the district  
10 may impose an operation and maintenance tax on taxable property in  
11 the district in accordance with Section 49.107, Water Code.

12 (b) The board shall determine the tax rate. The rate may not  
13 exceed the rate approved at the election.

14 Sec. 7983.153. CONTRACT TAXES. (a) In accordance with  
15 Section 49.108, Water Code, the district may impose a tax other than  
16 an operation and maintenance tax and use the revenue derived from  
17 the tax to make payments under a contract after the provisions of  
18 the contract have been approved by a majority of the district voters  
19 voting at an election held for that purpose.

20 (b) A contract approved by the district voters may contain a  
21 provision stating that the contract may be modified or amended by  
22 the board without further voter approval.

23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

24 Sec. 7983.201. AUTHORITY TO ISSUE BONDS AND OTHER  
25 OBLIGATIONS. The district may issue bonds or other obligations  
26 payable wholly or partly from ad valorem taxes, impact fees,  
27 revenue, contract payments, grants, or other district money, or any

1 combination of those sources, to pay for any authorized district  
2 purpose.

3 Sec. 7983.202. TAXES FOR BONDS. At the time the district  
4 issues bonds payable wholly or partly from ad valorem taxes, the  
5 board shall provide for the annual imposition of a continuing  
6 direct ad valorem tax, without limit as to rate or amount, while all  
7 or part of the bonds are outstanding as required and in the manner  
8 provided by Sections 54.601 and 54.602, Water Code.

9 Sec. 7983.203. BONDS FOR ROAD PROJECTS. At the time of  
10 issuance, the total principal amount of bonds or other obligations  
11 issued or incurred to finance road projects and payable from ad  
12 valorem taxes may not exceed one-fourth of the assessed value of the  
13 real property in the district.

14 SECTION 2. The Driftwood Municipal Utility District No. 1  
15 initially includes all the territory contained in the following  
16 area:

17 FIELD NOTE DESCRIPTION OF 323.59 ACRES OF LAND OUT OF THE WILLIAM B.  
18 TRAVIS SURVEY ABSTRACT No. 15 IN HAYS COUNTY, TEXAS, BEING  
19 COMPRISED OF A PORTION OF THAT CERTAIN (117.51 ACRE) TRACT OF LAND  
20 AS CONVEYED TO DAMIAN C. MANDOLA AND TRINA M. MANDOLA BY GENERAL  
21 WARRANTY DEED RECORDED IN VOLUME 2406 PAGE 685 OF THE OFFICIAL  
22 PUBLIC RECORDS OF HAYS COUNTY, TEXAS, TOGETHER WITH A PORTION OF  
23 THAT CERTAIN (150.00 ACRE) TRACT OF LAND AS CONVEYED TO DAMIAN C.  
24 MANDOLA AND TRINA M. MANDOLA BY WARRANTY DEED RECORDED IN VOLUME  
25 2261 PAGE 316 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,  
26 AND TOGETHER WITH A PORTION OF THAT CERTAIN (107.00 ACRE) TRACT OF  
27 LAND AS CONVEYED TO DAMIAN C. MANDOLA AND WIFE, TRINA M. MANDOLA BY

1 GENERAL WARRANTY DEED RECORDED IN VOLUME 2141 PAGE 753 OF THE  
2 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE  
3 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4 BEGINNING at a point in the East right-of-way line of F.M. Highway  
5 No. 150 for the westerly Northwest corner of that certain (117.51  
6 acre) tract of land as conveyed to Damian C. Mandola and Trina M.  
7 Mandola by General Warranty Deed recorded in Volume 2406 Page 685 of  
8 the Official Public Records of Hays County, Texas, and being in the  
9 West line of that certain (890.32 acres less 90.96 acres) tract as  
10 conveyed to Wilding, LP by Special Warranty Deed recorded in  
11 Document No. 9927839 of the Official Public Records of Hays County,  
12 Texas, and for the Northwesterly corner of that certain (374.53  
13 acre) tract of land as conveyed to Saber Ventures, L.P. by Special  
14 Warranty Deed recorded in Volume 2023 Page 531 of the Official  
15 Public Records of Hays County, Texas, and for a Southwesterly  
16 corner of that certain (311.44 acre) tract of land as conveyed to AT  
17 Holding-Riata, LLC by Special Warranty Deed recorded in Volume 2023  
18 Page 547 of the Official Public Records of Hays County, Texas, and  
19 being the westerly Northwest corner and PLACE OF BEGINNING of the  
20 herein described tract of land, and from which a metal spike found  
21 in an asphalt driveway in the East right-of-way line of F.M. Highway  
22 No. 150 (at record centerline HWY Station 398+69.3) bears N 20 deg.  
23 32' 24" W 895.92 ft., and also from which a capped iron rod found  
24 bears N 72 deg. 35' 16" E 0.40 ft.;

25 THENCE leaving the East right-of-way line of F.M. Highway No. 150  
26 and entering the interior of said Wilding (890.32 acres less 90.96  
27 acres) tract with the common line of said Mandola (117.51 acre)

1 tract and said AT-Holding-Riata (311.44 acre) tract, the following  
2 four (4) courses;

- 3 1) N 72 deg. 35' 16" E 957.58 ft. to a capped iron rod found  
4 (marked "McAngus");
- 5 2) N 28 deg. 14' 58" E 1033.24 ft. to a capped iron rod found  
6 (marked "McAngus");
- 7 3) N 88 deg. 23' 37" E 3991.58 ft. to a capped iron rod found  
8 (marked "McAngus");
- 9 4) S 53 deg 02' 43" E at 1953.44 ft. passing a 1 1/4" iron  
10 pipe found, and continuing with the same bearing for a  
11 total distance of 2042.29 ft. to a point in the  
12 approximate centerline of Onion Creek for the Northeast  
13 corner of said Mandola (117.51 acre) tract and for the  
14 Southeast corner of said AT Holding-Riata (311.44 acre)  
15 tract and for the Northwest corner of that certain  
16 (200.585 acre) tract of land as conveyed to Annaton Land  
17 Company, LLC by Warranty Deed recorded in Volume 4617  
18 Page 374 of the Official Public Records of Hays County,  
19 Texas, and being the Northeast corner of this tract of  
20 land;

21 THENCE continuing through the interior of said Wilding (890.32  
22 acres less 90.96 acres) tract with the approximate centerline of  
23 Onion Creek and with the common line of said Mandola (117.51 acre)  
24 tract and said Annaton Land Company (200.585 acre) tract, the  
25 following seven (7) courses;

- 26 1) S 36 deg. 24' 12" W 252.79 ft.;
- 27 2) S 37 deg. 15' 21" W 246.91 ft.;

- 1           3) S 41 deg. 42' 31" W 214.94 ft.;
- 2           4) S 43 deg. 07' 44" W 212.80 ft.;
- 3           5) S 26 deg. 54' 25" W 159.79 ft.;
- 4           6) S 27 deg. 42' 48" E 70.19 ft.;
- 5           7) S 49 deg. 40' 44" W 239.29 ft. to a point for the
- 6                 Southeast corner of said Mandola (117.51 acre) tract
- 7                 and for the Northeast corner of that certain (150.00
- 8                 acre) tract of land as conveyed to Damian C. Mandola and
- 9                 Trina C. Mandola by Warranty Deed recorded in Volume
- 10                2261 Page 316 of the Official Public Records of Hays
- 11                County, Texas, and being an angle corner of this tract,
- 12                and from which a 60D nail found on the Northwesterly
- 13                side of a 46" Cypress tree (for reference) bears N 85
- 14                deg. 04' W 47.70 ft.;

15   THENCE continuing through the interior of said Wilding (890.32  
16   acres less 90.96 acres) tract with the approximate centerline of  
17   Onion Creek and with the common line of said Mandola (150.00 acre)  
18   tract and said Annaton Land Company (200.585 acre) tract, the  
19   following six (6) courses;

- 20           1) S 47 deg. 12' 31" W 253.25 ft.;
- 21           2) S 41 deg. 34' 36" W 219.86 ft.;
- 22           3) S 41 deg. 33' 07" W 276.42 ft.;
- 23           4) S 45 deg. 46' 37" W 288.13 ft.;
- 24           5) S 61 deg. 07' 53" W 223.76 ft.;
- 25           6) S 58 deg. 51' 17" W 191.85 ft. to a point for the Southeast
- 26                 corner of said Mandola (150.00 acre) tract and for the
- 27                 Northeast corner of that certain (107.00 acre) tract of

1 land as conveyed to Damian C. Mandola and wife, Trina C.  
2 Mandola by General Warranty Deed recorded in Volume  
3 2141 Page 753 of the Official Public Records of Hays  
4 County, Texas, and being an angle corner of this tract,  
5 and from which a 60D nail found on the Westerly side of a  
6 16" Cypress tree bears N 13 deg. 48' W 53.69 ft.;

7 THENCE continuing through the interior of said Wilding (890.32  
8 acres less 90.96 acres) tract with the approximate centerline of  
9 Onion Creek and with the East line of said Mandola (107.00 acre)  
10 tract, the following five (5) courses;

11 1) S 41 deg. 08' 03" W 231.01 ft.;

12 2) S 36 deg. 08' 40" W 248.29 ft.;

13 3) S 32 deg. 53' 55" W 249.13 ft.;

14 4) S 30 deg. 05' 08" W 241.12 ft.;

15 5) S 18 deg. 56' 06" W 233.53 ft. to a point for the Southeast  
16 corner of said Mandola (107.00 acre) tract and for a  
17 Northeasterly corner of that certain (21.512 acre)  
18 tract of land as conveyed to Peter M. Schwab and  
19 Jeanette K. Thornton-Schwab by General Warranty Deed  
20 recorded in Volume 1828 Page 709 of the Official Public  
21 Records of Hays County, Texas, and being the Southeast  
22 corner of this tract, and from which an incised X mark  
23 found in the Westerly end of a concrete dam bears N 09  
24 deg. 00' E 190.41 ft. (for reference);

25 THENCE leaving the approximate centerline of Onion Creek with the  
26 common line of said Mandola (107.00 acre) tract and said Schwab  
27 (21.512 acre) tract, the following seven (7) courses;

- 1) N 58 deg. 07' 33" W at 70.67 ft. passing a capped iron rod found (marked "McAngus") and continuing with the same bearing for a total distance of 728.64 ft. to a capped iron rod found (marked "McAngus");
- 2) N 24 deg. 01' 46" W 456.82 ft. to a capped iron rod found (marked "McAngus") and from which a 1/2" iron rod found for an angle corner in the Southwest line of said Schwab (21.512 acre) tract bears S 46 deg. 21' 25" W 33.18 ft.;
- 3) N 56 deg. 29' 49" W 518.51 ft. to a capped iron rod found (marked "McAngus");
- 4) N 36 deg. 40' 03" W 507.04 ft. to a capped iron rod found (marked "McAngus");
- 5) S 56 deg. 30' 23" W 148.91 ft. to a capped iron rod found (marked "McAngus");
- 6) N 42 deg. 04' 50" W 1026.81 ft. to a capped iron rod found (marked "McAngus") on the top of a small earthen stock tank dam;
- 7) N 84 deg. 13' 38" W 166.65 to a capped iron rod found (marked "Landesign") at a metal pipe corner post for a game-proof fence for the Southeast corner of that certain (9.455 acre) tract of land as conveyed to DuchMandola, Ltd. by General Warranty Deed recorded in Volume 3775 Page 877 of the Official Public Records of Hays County, Texas, and being a Southwesterly angle corner of this tract;

26 THENCE entering the interior of said Mandola (107.00 acre) tract  
27 with the East line of said DuchMandola (9.455 acre) tract, the

1 following two (2) courses;

2 1) N 16 deg. 59' 17" E 432.02 ft. to a 1/2" iron rod found;

3 2) S 53 deg. 46' 28" E 67.80 ft. to a capped iron rod found  
4 (marked "Landesign");

5 THENCE continuing through the interior of said Mandola (107.00  
6 acre) tract and entering the interior of said Mandola (150.00 acre)  
7 tract, N 38 deg. 11' 23" E 284.33 ft. to a capped iron rod found  
8 (marked "Landesign") for an angle corner in the East line of that  
9 certain (6.620 acre) tract of land as conveyed to DuchMandola, Ltd.  
10 by said General Warranty Deed recorded in Volume 3775 Page 877 of  
11 the Official Public Records of Hays County, Texas, and being an  
12 angle corner of this tract;

13 THENCE continuing through the interior of said Mandola (150.00  
14 acre) tract, N 00 deg. 40' 32" W at 433.25 ft. passing a capped iron  
15 rod found (marked "Landesign") for the Northeast corner of said  
16 DuchMandola (6.620 acre) tract and continuing with the same bearing  
17 for a total distance of 819.70 ft. to a capped iron rod found  
18 (marked "Landesign") in the common line of said Mandola (150.00  
19 acre) tract and said Mandola (117.51 acre) tract and being an angle  
20 corner of this tract;

21 THENCE with the common line of said Mandola (150.00 acre) tract and  
22 said Mandola (117.51 acre) tract, the following two (2) courses;

23 1) S 88 deg. 25' 14" W 642.66 ft. to a capped iron rod found  
24 (marked "McAngus");

25 2) S 50 deg. 02' 26" W 895.46 ft. to a capped iron rod found  
26 (marked "Landesign") for an angle corner of this tract,  
27 and from which a 1/2" iron rod found for an angle corner

1 in the common line of said Mandola (150.00 acre) tract  
2 and said Mandola (117.51 acre) tract bears S 50 deg. 02'  
3 26" W 17.37 ft.;

4 THENCE crossing the interiors of said Mandola (117.51 acre) tract  
5 and said Mandola (150.00 acre) tract, respectively, the following  
6 two (2) courses;

7 1) 69 deg. 55' 31" W 590.01 ft. to a capped iron rod found  
8 (marked "Landesign");

9 2) S 75 deg. 45' 29" W 370.85 ft. to a point in the East  
10 right-of-way line of F.M. Highway No. 150 for the  
11 Northwest corner of said Mandola (150.00 acre) tract  
12 and for the Southwest corner of said Mandola (117.51  
13 acre) tract and being the most Southwesterly corner of  
14 this tract, and from which a concrete monument found in  
15 the East right-of-way line of F.M. Highway No. 150 (at  
16 centerline HWY Station 438+31.0) bears S 20 deg. 32' 24"  
17 E 2810.55 ft., and also from which a 1/2" iron rod found  
18 bears N 75 deg. 45' 29" E 0.41 ft.;

19 THENCE with the East right-of-way line of F.M. Highway No. 150 and  
20 with the West line of said Mandola (117.51 acre) tract, N 20 deg.  
21 32' 24" W 254.11 ft. to the PLACE OF BEGINNING, containing 323.59  
22 acres of land.

23 SECTION 3. (a) The legal notice of the intention to  
24 introduce this Act, setting forth the general substance of this  
25 Act, has been published as provided by law, and the notice and a  
26 copy of this Act have been furnished to all persons, agencies,  
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2 Government Code.

3 (b) The governor, one of the required recipients, has  
4 submitted the notice and Act to the Texas Commission on  
5 Environmental Quality.

6 (c) The Texas Commission on Environmental Quality has filed  
7 its recommendations relating to this Act with the governor, the  
8 lieutenant governor, and the speaker of the house of  
9 representatives within the required time.

10 (d) All requirements of the constitution and laws of this  
11 state and the rules and procedures of the legislature with respect  
12 to the notice, introduction, and passage of this Act are fulfilled  
13 and accomplished.

14 SECTION 4. (a) If this Act does not receive a two-thirds  
15 vote of all the members elected to each house, Subchapter C, Chapter  
16 7983, Special District Local Laws Code, as added by Section 1 of  
17 this Act, is amended by adding Section 7983.109 to read as follows:

18 Sec. 7983.109. NO EMINENT DOMAIN POWER. The district may  
19 not exercise the power of eminent domain.

20 (b) This section is not intended to be an expression of a  
21 legislative interpretation of the requirements of Section 17(c),  
22 Article I, Texas Constitution.

23 SECTION 5. This Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4309 was passed by the House on May 19, 2017, by the following vote: Yeas 137, Nays 7, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4309 was passed by the Senate on May 24, 2017, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor